THE BALTIMORE SUN

By

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Joseph “Tiny” Metheny was found guilty of first-degree murder yesterday for the horrific fatal stabbing of Kimberly Spicer but spared the death penalty by a Baltimore judge, who ruled that he did not rob or sexually assault the woman before he killed her.

After three weeks of gruesome testimony that sickened courtroom spectators, city Circuit Judge Clifton J. Gordy held up a photograph of Spicer, 23, before handing down his verdict, saying the case was about her and her memory.

“You have listened to testimony that no human being should ever have to endure,” Gordy said, praising the victim’s family members for their courage and ability to sit through terrible details of how Spicer died at the hands of a man who claims to be a serial killer.

“As the father of two daughters, I can’t imagine your pain,” the judge said.

Gordy then turned to Metheny, 43, a burly man with a blank stare and tattoos of teardrops streaming from the corners of his eyes.

“Stand up, Mr. Metheny,” the judge said.

“Yes sir, Mr. Gordy,” Metheny replied.

The judge told Metheny that he found him guilty of first-degree murder for stabbing Spicer to death 26 times after drinking with her in a Southwest Baltimore bar and taking her to a trailer where he lived on the grounds of Joe Stein and Son pallet company.

But Gordy — hearing the case without a jury — ruled that prosecutors failed to establish that Metheny robbed Spicer or sexually assaulted her while she was alive. A conviction of either crime would have qualified him for a possible death sentence.

Metheny could be sentenced to life in prison without parole this afternoon. He is to go on trial in October in the killing of Cathy Ann Magaziner, 39, whose body was decapitated.

Prosecutors Emanuel Brown and Vickie Wash were disappointed by the ruling. It was the first death penalty case filed by State's Attorney Patricia C. Jessamy since she took over the office three years ago. Mark Cohen, supervisor of the homicide trial division, declined to comment last night.

Spicer's mother, who will read a victim-impact statement before Metheny is sentenced, said she also was disappointed that he will avoid the death penalty.

"It's still in God's hands," Kathie Price said, outside the courtroom, surrounded by family and friends. "He'll have to face God one day."

Prosecutors argued that Metheny, who claims he has killed as many as 10 people, took Spicer to his trailer Nov. 11, 1996, and tried to sexually assault her with a beer bottle. They said in closing arguments yesterday that when Spicer resisted, Metheny stabbed her in the face and neck.

When she continued to resist, they said, Metheny went into a rage, plunging a knife into her chest and stomach, and stabbing her in the back nine times.

"Kimberly Spicer was not going to comply," Brown told the judge. "At some point, she realized compliance was not going to do her any good. She was not going to stay there and be tortured. She was going to fight to the death."

Spicer's body was found beneath Metheny's trailer on Dec. 15. A medical examiner found a beer bottle inside her body.

Defense lawyers told Gordy that Spicer willingly went with Metheny, and he killed for a thrill.

They said Metheny, who has a history of having sex with dead women, inserted the bottle after he killed Spicer. In Maryland, they noted, necrophilia is not a crime. "There is no evidence

whatsoever that he tried to put that bottle inside her before her death," defense lawyer Margaret Mead said.

Prosecutors and defense lawyers also sparred over whether Metheny intended to rob Spicer before killing her. Prosecutors said he stole her clothing. Defense lawyers said there was no evidence to prove that Metheny intended to steal anything from her.

Gordy agreed with the defense, saying the evidence did not prove Metheny tried to rob or sexually assault Spicer before her death. On both critical counts, he said: "A verdict of not guilty is ordered."

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